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Attorneys for Plaintiff
PURPLE INNOVATION, LLC

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

PURPLE INNOVATION, LLC,

Plaintiff,

vs.

BEDMATE-U CO., LTD.; et al.,

Defendants.

***EX PARTE* MOTION FOR LEAVE TO
CONDUCT LIMITED DISCOVERY
REGARDING IDENTITY OF
DEFENDANTS**

Civil No. 2:22-cv-00620-DBP

Chief Magistrate Judge Dustin B. Pead

Plaintiff Purple Innovation, LLC (“Purple”), by and through its attorneys, respectfully seeks leave of this Court to take limited early discovery regarding the complete addresses,

telephone numbers, and email addresses of the below listed Defendants (“Foreign Defendants”) from Amazon.com, Alibaba.com, and AliExpress.com. This motion is necessary because Federal Rule of Civil Procedure 26(d)(1) states that “[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except . . . when authorized by these rules, by stipulation, or by court order.” Fed R. Civ. P. 26(d)(1). Purple cannot confer with the Foreign Defendants until it can serve them with them with process, but it needs the additional information sought by the requested early discovery to do so.

As grounds for this motion, Purple states as follows:

I. Request for Leave to Service a Subpoena Duces Tecum on Amazon.com

Purple requests leave to serve a subpoena duces tecum on Amazon.com, Inc. (attached as Exhibit 1) at Amazon.com, Inc. Corporation Service Company, 300 Deschutes Way SW, Suite 208 MC-CSC1 Tumwater, WA 98501, Attn: Legal Department – Legal Process.

The Foreign Defendants at issue in this motion are on-line retail sellers that conduct their business through the on-line retail platform, Amazon.com. Purple has conducted its own research in an effort to acquire the contact information of these Foreign Defendants including reaching out to Amazon.com to request the full contact information of Foreign Defendants who conduct business on Amazon.com, a request with which Amazon.com declined to assist. Purple desires to verify the contact information it has acquired and to supplement contact information it was not able to acquire through its own efforts.

The Foreign Defendants at issue in this motion who conduct business on Amazon.com are listed below:

- a. Foshan Dirani Design Furniture Co. Ltd.
- b. Global Ocean Trading Company Limited

- c. Guang An Shi Lin Chen Zai Sheng Wuzi Co. Ltd
- d. Guang Zhou Wen Jie Shang Mao You Xian Gong Si
- e. Guangzhoushi Baixiangguo Keji Youxian Gongs
- f. Haircrafters LLC;
- g. Hangzhou Lishang Import & Export Co. Ltd.
- h. Hangzhou Lydia Sports Goods Co. Ltd.
- i. Hubei Sheng Bingyi Dianzi Keji Youxian Gongs Co. Ltd.
- j. Kaifeng Shi Long Ting Qu Chen Yi Shangmao Youxian Gongs Co., Ltd.
- k. Lei Lei Wang
- l. Liu Lin Xian Xu Bin Dian Zi Chang Pin Dian
- m. Nanchang Shirong Bao Er Guanggao Youxian Gongs Co., Ltd.
- n. Ningbo Bolian Import & Export Co., Ltd.
- o. Ningbo Minzhou Import & Export Co., Ltd.
- p. Ruian Xin Yuan Guoji Mao Yi Youxian Gongs Co., Ltd.
- q. Shandong Jiu Hui Xinxi Keji Youxian Gongs Co., Ltd.
- r. Shanxi Chao Ma Xun Keji Youxian Gongs Co., Ltd.
- s. Shenzhen Shi Mai Rui Ke Dianzi Shangwu Co., Ltd.
- t. Shenzhen Shi Xin Shangpin Dianzi Shangwu Youxian Gongs Co., Ltd.
- u. Shenzhen Shi Yan Huang Chu Hai Keji Youxian Gongs Co., Ltd.
- v. Shenzhen Shi Yuxiang Meirong Yongju Youxian Gongs Co., Ltd.
- w. Wuhan Chenkuxuan Technology Co., Ltd.
- x. Xiao Dawei
- y. Xiao Xiao Pi Fa Shang Mao You Xian Ze Ren Gongs Co.

- z. Yaru Wang
- aa. Yiwu Youru Electronic Commerce Co. Ltd.
- bb. Zhejiang Xinhui Import & Export Co., Ltd.
- cc. Zhou Meng Bo

As such, Purple requests leave to serve Amazon.com with the subpoena duces tecum attached hereto as Exhibit 1. This request is narrowed specifically to acquire the relevant Foreign Defendants' complete addresses, telephone numbers, and email. Foreign Defendants will not be prejudiced if the Court grants leave for Purple to serve the subpoena. In fact, the issuance of the subpoena allows Purple to ensure that Foreign Defendants are properly and expeditiously served with process.

For these reasons, Purple respectfully requests that the court grant it leave to serve a subpoena duces tecum on Amazon.com to secure the complete addresses, telephone numbers, and email addresses for the aforementioned Foreign Defendants in this matter.

II. Request for Leave to Service a Subpoena Duces Tecum on Alibaba.com

Purple requests leave to serve a subpoena duces tecum on Alibaba.com, Inc. (attached as Exhibit 2) via Certified Mail to Alibaba.com, National Registered Agents, Inc., 330 N. Brand Blvd. Suite 700 Glendale, CA 91203 and email at Alibaba.com, Attention: Alibaba.com Product Compliance Committee, E-mail: product_compliance@service.alibaba.com.

The Foreign Defendants at issue in this motion are on-line retail sellers that conduct their business through the on-line retail platform, Alibaba.com. Purple has conducted its own research in an effort to acquire the contact information of these Foreign Defendants. However, Purple desires to verify the contact information it has acquired and to supplement contact information it was not able to acquire through its own efforts.

The Foreign Defendants at issue in this motion who conduct business on Alibaba.com are listed below:

- a. Dongguan Jingrui Silicone Technology Co. Ltd.
- b. Guangzhou Epsilon Import & Export Co. Ltd.
- c. Hebei Zeyong Technology Co. Ltd.
- d. Shenzhen Baibaikang Technology Co. Ltd.
- e. Shenzhen Leadfar Industry Co. Ltd.
- f. Shenzhen Tianrun Materials Co. Ltd.

As such, Purple requests leave to serve Alibaba.com with the subpoena duces tecum attached hereto as Exhibit 2. This request is narrowed specifically to acquire the relevant Foreign Defendants' complete addresses, telephone numbers, and email addresses. Foreign Defendants will not be prejudiced if the Court grants leave for Purple to serve the subpoena. In fact, the issuance of the subpoena allows Purple to ensure that Foreign Defendants are properly and expeditiously served with process.

For these reasons, Purple respectfully requests that the court grant it leave to serve a subpoena duces tecum on Alibaba.com to secure the complete addresses, telephone numbers, and email addresses for the aforementioned Foreign Defendants in this matter.

III. Request for Leave to Service a Subpoena Duces Tecum on AliExpress.com

Purple requests leave to serve a subpoena duces tecum on AliExpress.com (attached as Exhibit 3) via Certified Mail at Alibaba Group Holding Ltd., CT Corporation System, Registered Agent, 818 W, 7th Street, 9th Floor, Los Angeles, CA 90017 and email at AliExpress.com, Attn: AliExpress.com Product Compliance Committee, E-mail: product_compliance@service.alibaba.com.

The Foreign Defendants at issue in this motion are on-line retail sellers that conduct their business through the on-line retail platform, AliExpress.com. Purple has conducted its own research in an effort to acquire the contact information of these Foreign Defendant. However, Purple desires to verify the contact information it has acquired and to supplement contact information it was not able to acquire through its own efforts.

The Foreign Defendant at issue in this motion who conducts business on AliExpress.com is listed below:

g. Lankao Junchang Electronic Commerce Co. Ltd.

As such, Purple requests leave to serve AliExpress.com with the subpoena duces tecum attached hereto as Exhibit 3. This request is narrowed specifically to acquire the relevant Foreign Defendant's complete address, telephone number, and email. Foreign Defendant will not be prejudiced if the Court grants leave for Purple to serve the subpoena. In fact, the issuance of the subpoena allows Purple to ensure that Foreign Defendant is properly and expeditiously served with process.

For these reasons, Purple respectfully requests that the court grant it leave to serve a subpoena duces tecum on AliExpress.com to secure the complete address, telephone number, and email address for the aforementioned Foreign Defendant in this matter.

DATED this 7th day of October, 2022.

HOLLAND & HART LLP

/s/ Stephen M. Sansom

Stephen M. Sansom

Attorneys for Plaintiff
PURPLE INNOVATION, LLC